

## REMARKS:

### Drawings

(Item 1 of the OA) The drawings have been corrected as required by this Office Action.

### Claims

In general, the Applicant believes the differences between claims as now amended and the prior art are in condition for allowance. The amended claims now differentiate the Applicant's invention by distinguishing the features of the apparatus for holding hunting equipment.

(Item 3 of the OA) Claim 11 was rejected under U.S.C. 102(b) as being anticipated by Marks (US 4,735,388).

The Examiner stated "Marks teaches a U-shaped mount (23), a first pivot means (19) lockable by a thumb screw (20) ..." The inventor observes that the mount (23) of Marks is round, as seen in FIG. 1, and closed ended and designed for holding a baby bottle. Nowhere within Marks is there a disclosure or suggestion that the baby holder is capable of holding hunting equipment. In order to differentiate the pivoting means of claim 11 from the pivot means of Marks, claim 11 as amended describes the pivot means as comprising a ball, a ball seat and a nut instead of the retainer 26, thumb screw 6, and ball shaped member (5) as taught by Marks. In addition the clamp holder (4) of Marks is not the same the clamp 130 of claim 11. Marks uses a thumbscrew (1) and a cap (2) to attached the bottle holder to member (3) whereas claim 11 has an attachment clamp adapted to fit on a bar of an ATV and uses a bolt and nut to secure the pivoting assembly on the bar. The specification on page 1, line 26

indicates the environment encountered pivoting assembly of claim 11 when it is used to transport hunting equipment. In attached the Declaration, Item 4, there is a statement from a hunter and fabricator (the Inventor) that the baby bottle holder of Marks could not function a hunting equipment holder for a variety of reasons.

In summary, Marks does not have any of the elements of amended claim 11. Because Mark does not disclosure or suggest any of the elements of amended claim 11 the U.S.C. 102(b) rejection no longer applies. The Inventor believes Marks does not anticipate claim 11 as amended.

(Item 4 of the OA) Claim 11 was rejected under U.S.C. 102(b) as being anticipated by Gillaspy (US 2,605,069).

Although Gillaspy teaches a U-shaped mount (23), a first pivot means (26, 27) lockable with a binding knob (27) the first pivot means of Gillaspy is not the same as the ball, seat and nut pivot means of amended claim 11. Because of the structural difference between Gillaspy and the pivot assembly of the invention Gillaspy does not anticipate claim 11. Because Gillaspy's U-shaped mount is intended solely for holding a baby bottle there is no disclosure or suggestion that the Gillaspy's U-shape mount is capable of holding hunting equipment for transport. The fact that Gillaspy's holder is designed to mount on furniture (col. 1, line 9) indicates he does not teach the use of his holder for transporting hunting equipment across rough terrain. The clamp of Gillaspy has a knob 17 and grip button 16 for attaching the his holder to edge of a crib, whereas the Inventor's clamp of claim 11 uses a clamp 130 that is pulled against a bar by a bolt and nut. As indicated in the Declaration (item 4) "hand tightening ... will not provide the secure connection provided by my bolt and nut connection". Because Gillaspy does not disclose or suggest all the elements of amended claim 11 the Inventor has overcome the U.S.C. 102(b) rejection.

(Item 6 of the OA) Claim 1-10 were rejected under U.S.C. 103(a) as being unpatentable over Marks (US 4,735,388) in view of Chen (US 5,360,018).

Neither Marks nor Chen disclose or suggest the use of a U-shaped mount. The pivot of Marks is not the same as the pivot in claims 1-10 as because he does not have a ball, nut, and seat. Although Chen has a ball and seat arrangement the threaded sleeve 70 of Chen is designed to be hand tightened as shown in Chen's FIG. 1. Neither of the clamp of Chen or Marks is the same as the clamp of the claimed invention nor do they disclose or suggest the clamp of the claimed invention. The Inventor believes the differences of Marks in view of Chen are not disclosed or suggested and that the U.S.C. 103(a) is traversed.

(Item 7 of the OA) Claim 1-10 were rejected under U.S.C. 103(a) as being unpatentable over Marks (US 4,735,388) in view of Siegel (US 3,424,419).

Neither Marks nor Siegel disclose or suggest the use of a U-shaped mount. Further neither of the references suggests or discloses the pivot apparatus of the claimed invention. Siegel, as with the other cited references has a pivot that does **not** have a nut (requiring a wrench to securely fasten the claimed pivot assembly to a bar on the ATV). The clamp of Siegel does not use a bolt and nut or does Marks. Because all the elements of the amended claims are not suggested or disclosed separately by Marks or Siegel they cannot be suggested or disclosed by Marks in view of Siegel. Hence the Inventor believes that the amended claimed invention (1-10) is allowable and the rejection under U.S.C. 103(a) has been traversed.

(Item 8 of the OA) Claim 11 was rejected under U.S.C. 103(a) as being unpatentable over Marks (US 4,735,388) in view of Gillaspay (US 2,605,069).

Marks does not disclose or suggest U-shaped mount. The claimed pivot assembly are not in the teachings of either Gillaspay and Marks. The clamp arrangements of the claimed invention are not disclosed by either of the

references. – hence claim 11 is allowable for these and other reasons stated above.

(Item 9 of the OA) Claim 1-10 were rejected under U.S.C. 103(a) as being unpatentable over Marks (US 4,735,388) in view of Gillaspy (US 2,605,069) and in view of Chen (US 5,360,018).

Neither Marks or Chen disclose or suggest U-shaped mount. None of the three reference disclose or suggest the pivot assembly of the claimed invention nor do the three references disclose the claimed clamp that is secured using a bolt and nut. All the cited devices are for use at stationary sites and could not withstand the environment for the claimed apparatus as discussed in the attached Declaration. The combination of Marks, Gillaspy and Chen are not sufficient for a U.S.C. 103(a) rejection.

(Item 10 of the OA) Claim 1-10 were rejected under U.S.C. 103(a) as being unpatentable over Marks (US 4,735,388) in view of Gillaspy (US 2,605,069) and in view of Siegel (US 3,424,419).

Neither Marks or Siegel disclose or suggest U-shaped mount. None of the three reference disclose or suggest the pivot assembly of the claimed invention nor do the three references disclose the claimed clamp that is secured using a bolt and nut. All the cited devices are for use at stationary sites and could not withstand the environment for the claimed apparatus as discussed in the attached Declaration. The combination of Marks, Gillaspy and Siegel are not sufficient for a U.S.C. 103(a) rejection.

The Inventor has provided information within a Declaration that describes the importance of having couplings and connections with nuts, that are wrench tightened, rather than thumbscrews and knobs that are hand tightened. The Inventor is a fabricator with at least 20 years of metal fabrication experience using a variety of fabrication methods. In addition he is a sportsman that was

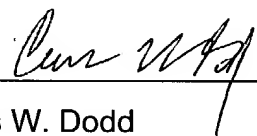
looking for a better way to transport hunting equipment on his ATV. He has reviewed the cited references, attended numerous sports shows and looked in a large number of sporting goods catalogs. The feedback he has received at shows where he displays the claimed invention has convinced the inventor he has something that is new and unobvious to one skilled in the art.

The sales figures he has provided in the Declaration are a clear indication of commercial success of the claimed invention.

All claims as amended distinguish the present invention from cited prior art and have traversed the U.S.C. 35 102(b) and 103(a) rejections. As a result, the Applicants now respectfully requests that the Examiner give consideration to their application.

Respectfully Submitted,

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